



COLUMBIA RIVERKEEPER  
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October 9, 2015

U.S. EPA Region 10  
1200 6th Avenue  
Suite 900  
Seattle, WA 98101

*Submitted via FOIAOnline*

**RE: Freedom of Information Act Request**

Dear FOIA Officer,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Columbia Riverkeeper ("Riverkeeper") requests the records described herein maintained by, or within the control of, the U.S. Environmental Protection Agency ("EPA"). Riverkeeper is a 501(c)(3) non-profit organization that protects and restores the Columbia River and all life connected to it, from the headwaters to the Pacific. To achieve these objectives, Riverkeeper operates scientific, educational, and advocacy programs aimed at protecting water quality and habitat in the Columbia Basin. Riverkeeper submits the following FOIA request to advance its mission of protecting and restoring the Columbia River, which is currently threatened by fossil fuel shipping and export projects.

Riverkeeper seeks information about past or ongoing clean-up at, and any related EPA investigations of, a bio-diesel manufacturing or seed-crushing facility in Odessa, Washington, owned by the Odessa Public Development Authority (the "Facility" and formerly operated by TransMensis Columbia Plateau LLC ("TransMensis")). Riverkeeper recently learned that TransMensis abandoned its operations at the Facility in late 2014 or early 2015, necessitating an EPA-lead clean-up of abandoned chemicals and machinery at the Facility. Former officers and financial backers of TransMensis are currently seeking approval to construct a crude oil refinery and LPG terminal in Longview, Washington, along the Columbia River. Riverkeeper is concerned by TransMensis' officers' apparent willingness to disregard safety and environmental regulations. Riverkeeper seeks the documents described below in order to more thoroughly vet the ability of TransMensis' former officers to safely construct and operate complex and risky fossil fuel processing facilities along the Columbia River.

### ***Request for Public Records***

1. Riverkeeper requests all records in EPA's possession or control related to TransMissis, its officers, employees, investors, or creditors, that were received or created by EPA between January 1, 2015, and the date EPA responds to this request.
2. Riverkeeper requests all records in EPA's possession or control related to the Facility that were received or created by EPA between January 1, 2015, and the date EPA responds to this request.

Riverkeeper may be willing to work with EPA to limit the scope of this FOIA request. Riverkeeper believes that some responsive records may be in the possession of Jennifer Sulcer, a Criminal Investigator for EPA Region 10. Riverkeeper prefers to receive electronic copies of records, when available.

### ***Request for Fee Waiver***

Riverkeeper seeks a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). A fee waiver is appropriate because Riverkeeper will use the information obtained through this FOIA request to inform the public about the proposed oil refinery and LPG export terminal proposed in Longview, Washington. FOIA's fee waiver provision states: "[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." *Id.* Disclosure of the requested documents will significantly contribute to public understanding of EPA's operations, and the reliability and competency of the people proposing to construct new fossil fuel infrastructure along the Columbia River. This request is not in the commercial interest of Riverkeeper, a non-profit organization.

Presenting information gained through Riverkeeper's FOIA request is in the public interest because it will expand the public's understanding of the risks of certain industrial development proposals affecting the Columbia River. Riverkeeper closely monitors water quality and works to improve and protect habitat in the Columbia, particularly by opposing risky and dangerous fossil fuel shipping and export proposals. In turn, Riverkeeper is requesting these documents from EPA to expand public awareness about the track record of proponents of proposed fossil fuel projects that could impact the Columbia.

Riverkeeper has expertise in reviewing and disseminating information obtained through FOIA and other public records requests. Presenting such information to the public is a central focus of our organization. Riverkeeper presents information to the public through its website, newsletters, e-newsletters, public action alerts, public reports, media, and public presentations. For example, Riverkeeper regularly presents information on Columbia River issues—including salmon habitat conservation and crude-by-rail proposals—at elementary and high schools, community colleges, public meetings, at Riverkeeper public events, and in front of government bodies. Specifically, Riverkeeper has disseminated information gained through public records requests regarding the proposed oil refinery and LPG terminal in Longview to its members and the general public through Riverkeeper's website, e-newsletter, and print newsletter. Riverkeeper has also distributed information gained through public records requests regarding the proposed oil refinery and LPG terminal in Longview to a variety of local and regional media outlets in Oregon and Washington, resulting in numerous stories highlighting the risks of these proposed projects. Riverkeeper intends to disseminate the information gleaned from the requested documents through an array of effective channels. Accordingly, waiving Riverkeeper's FOIA fees will benefit the general public by leading to an increased awareness of the potential risks underlying the fossil fuel shipping and processing facilities currently proposed in Longview, Washington, by the former backers of TransMensis.

If a fee waiver is not granted, Riverkeeper asks that NMFS provide a cost estimate prior to completing this request. Please contact me at (541) 490 - 0487 or [miles@columbiariverkeeper.org](mailto:miles@columbiariverkeeper.org) if you have any questions about this FOIA request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Miles Johnson', with a long horizontal flourish extending to the right.

Miles Johnson  
Clean Water Attorney  
Columbia Riverkeeper

*cc'd via email:*  
Jennifer Sulcer, EPA Criminal Investigator